



Land Registration (Scotland) Act 1979

1979 CHAPTER 33

PART I

REGISTRATION OF INTERESTS IN LAND

2 Registration

- (1) Subject to subsection (2) below, an unregistered interest in land other than an overriding interest shall be registrable—
 - (a) in any of the following circumstances occurring after the commencement of this Act—
 - (i) on a grant of the interest in land in feu, long lease or security by way of contract of ground annual, but only to the extent that the interest has become that of the feuar, lessee or debtor in the ground annual;
 - (ii) on a transfer of the interest for valuable consideration ;
 - (iii) on a transfer of the interest in consideration of marriage;
 - (iv) on a transfer of the interest whereby it is absorbed into a registered interest in land;
 - (v) on any transfer of the interest where it is held under a long lease, udal tenure or a kindly tenancy;
 - (b) in any other circumstances in which an application is made for registration of the interest by the person or persons having that interest and the Keeper considers it expedient that the interest should be registered.
- (2) Subsection (1) above does not apply to an unregistered interest which is a heritable security, liferent or incorporeal heritable right; and subsection (1)(a)(ii) above does not apply where the interest on transference is absorbed into another unregistered interest.
- (3) The creation over a registered interest in land of any of the following interests in land—
 - (i) a heritable security;
 - (ii) a liferent;
 - (iii) an incorporeal heritable right,

Status: This is the original version (as it was originally enacted).

shall be registrable; and on registration of its creation such an interest shall become a registered interest in land.

- (4) There shall also be registrable—
- (a) any transfer of a registered interest in land including any transfer whereby it is absorbed into another registered interest in land ;
 - (b) any absorption by a registered interest in land of another registered interest in land ;
 - (c) any other transaction or event which (whether by itself or in conjunction with registration) is capable under any enactment or rule of law of affecting the title to a registered interest in land but which is not a transaction or event creating or affecting an overriding interest.
- (5) The Secretary of State may, by order made by statutory instrument, provide that interests in land of a kind or kinds specified in the order, being interests in land which are unregistered at the date of the making of the order other than overriding interests, shall be registered; and the provisions of this Act shall apply for the purposes of such registration with such modifications, which may include provision as to the expenses of such registration, as may be specified in the order.
- (6) In this section, " enactment" includes sections 17, 18 and 19 of this Act.